

# CITY OF WATERVILLE



## CITY COUNCIL

### AN ORDINANCE

Providing for:

*Traffon  
properties*  
ORDINANCE NO. 1-1987

Publication Date: Jan. 24, 1987

Effective Date: Feb. 3, 1987

AMENDMENT TO APPENDIX A (ZONING), SECTION II(A)(1)  
PROVIDING FOR THE OFFICIAL ZONING MAP AND AN AMENDMENT TO THE  
WRITTEN DESCRIPTION OF THE ZONING BOUNDARIES APPEARING ON THE ZONING  
MAP WHICH WRITTEN DESCRIPTION IS ADOPTED BY REFERENCE IN SECTION II(A)

BE IT ENACTED, by the City Council of the City of Waterville, as follows:

THAT Appendix A (Zoning), Section II(A)(1) providing for the official zoning map and the written description of the zoning boundaries, dated July 6, 1971, and adopted by reference into the foresaid Section II(A)(1) be and hereby are amended to provide that the property described below be excluded from both the zoning map and the written description for Zoning District R-R, and that the aforementioned property description be added to the Zoning Map and the written description for the Zoning District C-D, all of which property is to be subject to contract zoning as provided for within this Ordinance:

Certain parcels of land located on the northerly and southerly sides of Trafton Road and adjacent to I-95, so-called, in Waterville, Kennebec County and State of Maine, and further bounded and described as follows, to wit:

Beginning at a point where the Waterville-Sidney line intersects the Oakland town line; thence easterly on the Waterville-Sidney line crossing Interstate 95 to the westerly property line of Waterville Industries, Inc. as now exists. Said point being 1000 feet, more or less, east of the Eight Rod Road. Thence in a northerly direction along the west line of Waterville Industries, Inc., to the north side of the Trafton Road; thence easterly along the northerly side of the Trafton Road 475 feet, more or less, to the southwest corner of property owned by Patricia G. Proulx as recorded in Kennebec County Registry of Deeds, book 2067, page 293. Thence northerly along Proulx's west boundary and the west boundary line of property owned by Clyde B. Elliott and Alma Elliott, as recorded in Kennebec County Registry of Deeds, book 2468, page 16, to the southeast corner of property owned by Joseph L. Theriault, Jr., and Celeste M. Theriault, as recorded in Kennebec County Registry of Deeds, book 3016, page 345. Thence westerly on Theriault's southerly line to the Eight Rod Road; then crossing the Eight Rod Road and continuing in a westerly direction along the southerly property line of Fanado J. & Yvette Polotte property recorded in Kennebec County Registry of Deeds, book 1567, page 766; thence following Polotte's southerly and westerly property line to a point that intersects I-95. Thence crossing I-95 in a westerly direction to the southwest corner of property owned by Pelotte, said point being in the easterly line of property owned by Theodore Brown and Jean Brown as recorded in Kennebec County Registry of Deeds, book 2400, page 240. Thence south in Brown's easterly boundary to a point marking

*easterly*

the northwest corner of another property owned by Fanado J. Pelotte; thence westerly on the northerly line of Pelotte's property crossing I-95 to the Eight Rod Road; thence southerly along the Eight Rod Road to the Trafton Road; thence west along the Trafton Road to the southwest corner of property owned by Randall E. and Norma M. Tunks, as recorded in Kennebec County Registry of Deeds, book 2798, page 227. Thence northerly along Tunks's west boundary line and the west line of Brown's to a point; thence easterly along Brown's property to a point where the City of Waterville property intersects the northerly boundary of the Brown's property. Thence northerly along the westerly boundary line of the City of Waterville property to the southerly property line of the Donat Rossignol Heirs; thence west along the southerly line of Rossignol Heirs property to the Oakland town line. Thence southerly along the Oakland town line to the northerly line of property owned by Rossignol Heirs. Thence easterly and southerly along the boundary of Rossignol Heirs to the Oakland town line; thence southerly along the Oakland town line to the Trafton Road; thence easterly along the Trafton Road to the easterly boundary of property of Carlton and Joanne Michaud on the southerly side of the Trafton Road, recorded in Kennebec County Registry of Deeds, book 1816, page 251. Thence southerly on Michaud's easterly boundary line to the southeast corner of Michaud's property; thence westerly in Michaud's southerly property line and the southerly property lines of Jean N. & Betty A. DeBlis and the southerly property line of Royal G. and Shirley J. Roderick to a point where the southwest corner of Roderick property intersects the east boundary of property owned by Emile H. Bedard. Thence southerly along the easterly boundary of Bedard's to the southeast corner of said property; thence westerly along Bedard's south property line to the Oakland town line. Thence southerly along the Oakland town line to the point of beginning.

This description includes the following lots as shown on the City of Waterville Tax Maps dated April 1986: Map 3, lots 4, 5 and 10; Map 4, lots 1, 2, 3, 4 and 5; Map 5, lots 1, 2, 3, and 5; Map 8, lot 3; Map 9, lots 1 and 7 and Map 10, lots 1 and 2.

Beginning on the west side of the Eight Rod Road at a point 220 feet, more or less, northerly of a stream; said stream forms the northerly boundary of a parcel of land on the west side of the Eight Rod Road owned by Willard Shirley. Thence northerly along the west side of the Eight Rod Road to the southeast corner of a parcel of land owned by Michael and Denise Boucher; thence northwesterly along Boucher's westerly property line 353 feet, more or less, to a point; thence northeasterly 255 feet to a point in the southerly property line of a parcel of land now or formerly owned by Preston Estabrook. Thence westerly in Estabrook's southerly property line to the northeast corner of a parcel of land owned by Fanado Pelotte; thence southerly on Pelotte's easterly boundary to the northerly boundary of a second parcel of land owned by Fanado Pelotte. thence westerly on Pelotte's northerly boundary to the east side of the Eight Rod Road, which is also the point of beginning.

This description is of Map 8, lot 7 as shown on the City of Waterville Tax Maps dated April 1986.

Excepting and reserving from said parcels, a certain parcel bounded and described as follows:

Beginning at a point on the southerly side of said Trafton Road, bounded by the easterly line of land owned by Carlton and Joanne Michaud (recorded in the Kennebec County Registry of Deeds, book 1816, page 251), running southeasterly 200 feet, more or less, along the southerly side of Trafton Road to a point on said road; thence running generally south-westerly 600 feet, more or less, on a line parallel to the boundary line of said land owned by Michaud to a point; thence running generally westerly, parallel to the southerly line of land owned by said Michaud, DeBois, and Roderick, to a point on the easterly line of land owned by Bedard.

BE IT FURTHER ENACTED, THAT the specific parcels of land, which are more particularly described above are subject to the following restrictions, limitations and conditions:

1. Automobile and other types of junkyards are prohibited.
2. Within that portion of the property which is north of the Trafton Road and west of Interstate 95, there shall be no direct entrance from said Trafton Road to any truckstops, fast food establishments and/or gasoline stations.
3. Within that portion of the property which is north of Trafton Road and west of Interstate 95, there shall be a 30 foot wide buffer zone along said Trafton Road beginning at a point on the northerly side of said road (which is located 500 feet, more or less, from the Oakland town boundary line) and running southeasterly along said road 500 feet, more or less.
4. Within that portion of the property which is south of said Trafton Road and west of Interstate 95, there shall be no direct entrance from said Trafton Road to any truckstops, fast food establishments and/or gasoline stations between the Oakland town boundary line and a point on said Trafton Road located 2000 feet southeasterly of the Oakland town boundary line.
5. If a petitioner, Trafton Properties, Inc. and Waterville Homes, Inc. fails to acquire a good and merchantable title to any portion of the property herein described by January 20, 1988, then in such event, any such unacquired property shall automatically revert as and of the date above written, to an R-R zoning district or whatever comparable zoning district may be in effect at the time of the reversion.

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McKinnen

BE IT FURTHER ENACTED THAT, the restrictions, limitations, and conditions set forth above, shall be incorporated in a contract between petitioner, Trafton Properties, Inc., Waterville Homes, Inc. and the City of Waterville, which contract the Mayor is hereby authorized to execute on behalf of the City.

/s/ David E. Bernier  
David E. Bernier  
Chairman, City Council

**In the City Council**

.....January 6,..... 1987, First Public Reading, and accepted, as Amended.  
.....January 6,..... 1987, Second Public Reading, and accepted.  
.....January 20,..... 1987, Third Public Reading: Adopted, as Amended

**APPROVED, January 21, 1987**

/s/ Thomas J. Nale  
**MAYOR**

*Trafton Prop  
Contract 1987*

# ACKNOWLEDGEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT, the City of Waterville, , a municipal corporation, with a place of business located in Waterville, County of Kennebec and State of Maine, (hereinafter referred to as the "City") and Trafton Properties, Inc., and Waterville Homes, Inc., being Maine corporations with a place of business located in Waterville, County of Kennebec and State of Maine (herein after referred to as "Petitioners"), hereby recite and acknowledge as follows:

## RECITALS:

The City Council of the City of Waterville, by Ordinance No. 1-1987, effective date February 3, 1987, adopted an ordinance as follows:

"THAT Appendix A (Zoning), Section II(A)(1) providing for the official zoning map and the written description of the zoning boundaries, dated July 6, 1971, and adopted by reference into the aforesaid Section II(A)(1) be and hereby are amended to provide that the property described below be excluded from both the zoning map and the written description for Zoning District R-R, and that the aforementioned property description be added to the Zoning Map and the written description for the Zoning District C-D, all of which property is to be subject to contract zoning as provided for within this Ordinance:" (see Exhibit A attached hereto and made a part hereof for complete text of Ordinance No. 1-1987, and property subject to said Ordinance);

That said amendment to the zoning boundary lines as setforth in said Ordinance and as applied to the above described parcels of land, was subject to the following condition, which condition is identified as Paragraph 5, Page 3, of Exhibit A:

"5. If a petitioner, Trafton Properties, Inc. and Waterville Homes, Inc., fails to acquire a good and merchantable title to any portion of the property herein described by January 20, 1988, then in such event, any such unacquired property shall automatically revert as and of the date above written, to an R-R zoning district or whatever comparable zoning district may be in effect at the time of the reversion."

## ACKNOWLEDGEMENT:

The parties hereto, hereby acknowledge that a Petitioner, to wit, Trafton Properties, Inc., as identified in said Ordinance, did in fact obtain good and merchantable title to said property on or before January 20, 1988, all as evidenced by the following deed conveyances:

Gladys C. Estabrook, individually and as personal representative of the Estate of E. Preston Estabrook to Trafton Properties, Inc., dated January 15, 1988, and recorded in the Kennebec County Registry of Deeds, January 19, 1988, Book 3295, Page 303 (see Exhibit B attached hereto and made a part hereof);

Gladys C. Estabrook, individually and as personal representative of the Estate of E. Preston Estabrook to Trafton Properties, Inc. dated January 15, 1988, and recorded in the Kennebec County Registry of Deeds January 19, 1988, Book 3295, Page 331 (see Exhibit C attached hereto and made a part hereof);

Victor M. Curtis and Ruth T. Curtis to Trafton Properties, Inc., dated January 15, 1988, and recorded in the Kennebec County Registry of Deeds, January 19, 1988, Book 3295, Page 283 (see Exhibit D attached hereto and made a part hereof).

That by virtue of said deed conveyances, the City of Waterville, hereby acknowledges that Condition Number 5 of said Ordinance has been fully satisfied and complied with by Petitioner, Trafton Properties, Inc., and that the terms of said Ordinance and amendment are in full force and effect.

IN WITNESS WHEREOF, this Acknowledgement has been executed and delivered this            day of            , 1988.

CITY OF WATERVILLE

By: \_\_\_\_\_  
Judy C. Kany, Mayor

TRAFTON PROPERTIES, INC.

By: \_\_\_\_\_  
Its President

WATERVILLE HOMES, INC.

By: \_\_\_\_\_  
Its President

STATE OF MAINE  
Kennebec, ss.

, 1988

Personally appeared the above named Judy C. Kany, in her capacity as Mayor of the City of Waterville, and acknowledged the foregoing instrument to be her free act and deed, and her free act and deed as Mayor of the City of Waterville.

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Notary Public/Attorney at Law

Personally appeared the above named  
as the President of Trafton Properties, Inc., and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said Trafton Properties, Inc.

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Notary Public/Attorney At Law

Personally appeared the above named  
as the President of Waterville Homes, Inc., and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said Waterville Homes, Inc.

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Notary Public/Attorney at Law